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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,140	06/09/1999	TOBIAS H. HOLLERER	MS-55(115203	7744

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MICHAELSON AND WALLACE  
PARKWAY 109 OFFICE CENTER  
328 NEWMAN SPRINGS RD  
P O BOX 8489  
RED BANK, NJ 07701

EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/329,140

Applicant(s)

HOLLERER ET AL.

Examiner

Ba Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 31/02/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 6-24, 32-38 and 43-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 25-31, 39-42 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

BA HUYNH  
PRIMARY EXAMINER

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of species claims 2-5, 25-31, 39-42 and 50 (claims 1, 31, and 41 are generic claims) in Paper No.7 is acknowledged. However, the applicants did not present any argument to traverse the restriction. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 25-31, 39-42, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,678,015 (Goh).

- As for claims 1, 50: Goh teaches a computer implemented method and corresponding system for interacting with a computer display, comprising the steps/means for:

accepting an event from the user input device to generate and display a cube, each face of the cube displays a window, the first window displays information of a first type related to the event, the second window displays information of a second type related to the event (col. 5,

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line 12 - col. 6, line 42). Goh fails to clearly teach that the interface is for assisting decision making process. However, decision making processes (computing, purchasing, traveling, or any process for achieving a desired goal) are inherent capabilities of a computer. Using the computer in a decision making process would have been an obvious field of use for achieving a desired goal.

- As for claim 2: The display simulates a three dimensional cube (figures 5, 6).

- As for claims 3, 4: The first and second windows represent sides of a cube. Goh fails to clearly teach that the cube is an unfolded cube. However, the implementation of unfolded cube would have been an obvious decorative preference as compared to Goh's folded cube since both having the same function. The implementation of the unfolded cube is well known (see US patent #5,303,388, figure 9).

- As for claim 5: The maximize button is inherently included in Goh's teaching of "window". The window can be displayed in a normal, head-on view for editing (col. 6, lines 25-28). Goh fails to clearly teach that the normal head-on view is displayed in response to the user selecting the maximize button. However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the displaying of the normal head-on view in response to the user selecting the maximize button. Motivation of the implementation is for obtaining a maximized window display, utilizing the maximize button which is inherently function of window.

- As for claim 25: Goh teaches a computer implemented method and corresponding system for interacting with a computer display, comprising the steps/means for:

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a standby display state which displays a cube, each face of the cube displays a window, the first window displays information of a first type related to the event, the second window displays information of a second type related to the event (col. 5, line 12 - col. 6, line 42),

first window and second window update states during which the user can update the first or second window by entering command via the input device (col. 6, lines 24-28),

first and second window focus view states in which the windows are selected and arranged in a normal, head-on view (col. 5, lines 42-48; col. 6, lines 25-28, 38-42),

Goh fails to clearly teach that the interface is for assisting decision making process. However, decision making processes (computing, purchasing, traveling, or any process for achieving a desired goal) are inherent capabilities of a computer. Using the computer in a decision making process would have been an obvious field of use for achieving a desired goal.

- As for claim 26: When in standby state, input command can be selectively applied to bring the first window or the second window to the update states, or bring the windows into the focus view states (col. 5, lines 42-48; col. 6, lines 25-28, 38-42).

- As for claim 27: The windows enter window update state in response to user selecting the window (col. 6, lines 25-28). The maximize button is inherently included in Goh's teaching of "window". The window can be displayed in a normal, head-on view for editing (col. 6, lines 25-28). Goh fails to clearly teach that the normal head-on view is displayed in response to the user selecting the maximize button. However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the displaying of the normal

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head-on view in response to the user selecting the maximize button. Motivation of the implementation is for obtaining a maximized window display, utilizing the maximize button which is an inherently included function of window.

- As for claim 28: Goh fails to clearly teach the miniature tool representing the standby state. However, Official notice is taken that implementation of a miniature tool representation of a display state is well known (as is disclosed in US patent 6,240,421, figure 9B, No. 192). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known miniature control interface to Goh. Motivation of the combining is for providing a representation of the display state and for controlling the display.

- As for claim 29: When in the first window view state, the display interface may enter the standby state in response to user instruction (col. 6, lines 16-19), or enters the second window view state in response to user rotation control (col. 5, lines 33-48).

- As for claims 30, 31, 41: The rationale as set forth in the rejection of claim 29, furthermore: The minimize button is inherently included in Goh's teaching of "window". The window can be minimized into a fall away cube (col. 6, lines 16-20). Goh fails to clearly teach that the minimized view is displayed in response to the user selecting the minimize button. However it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the displaying of the minimized view in response to the user selecting the minimize button. Motivation of the implementation is for obtaining a minimized window display, utilizing the minimize button which is an inherently included function of window. The display of

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the cube provide a visual from the first information to the second information in the windows. Flicking input for rotating a display is well known in the art of gesture input (see US patent 5,347,295). It would have been obvious to one of skill in the art, at the time the invention was made to combine the well known flicking input to Goh for rotating the cube. Motivation of the combining is for the simplicity of user control.

- As for claims 39, 42: The display interface changes from the standby state to focus view state when the windows are maximized (col. 6, lines 24-29).

- As for claim 40: The display interface changes from window focus view state to standby state when the window are minimized (col. 6, lines 16-19). Flicking input for rotating a display is well known in the art of gesture input (see US patent #5,347,295). It would have been obvious to one of skill in the art, at the time the invention was made to combine the well known flicking input to Goh for rotating the cube. Motivation of the combining is for the simplicity of user control.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 5, 50 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent #5,880,733 (Horvitz et al).

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- As for claims 1, 50: Horvitz et al teach a computer implemented method and corresponding system for assisting the user in decision making (e.g., via using application programs), comprising the steps/means for:

accepting an event from the user input device to generate and display a three dimensional room environment (col. 3, lines 22-33), each wall of the room displays a window, the first window displays information of a first type related to the event, the second window displays information of a second type related to the event (figure 6a).

- As for claims 2-4: The display simulates a three dimensional prism (col. 3, lines 22-33).

- As for claim 5: The windows include maximize and minimize button (figure 6).

### Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive

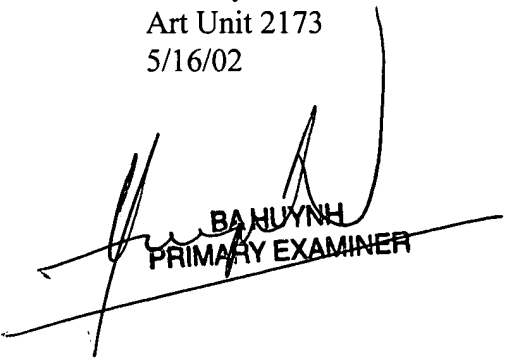


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information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba  
Primary Examiner  
Art Unit 2173  
5/16/02

  
BA HUYNH  
PRIMARY EXAMINER